

RECEIVED
CENTRAL FAX CENTER
JUN 30 2006

U.S Application No. 09/788,061
Amendment dated June 30, 2006
In Response to Office Action of January 30, 2006

REMARKS

Claims 1-14 are pending. Claims 1-14 stand rejected.

Change of Correspondence Address

Applicants respectfully request a change of correspondence address in which Applicants request that subsequent official correspondence be sent to:

**Christopher C. Winslade
McAndrews, Held & Malloy
500 W. Madison Street
Suite 3400
Chicago, IL 60661**

Claims 1-4 and 8-11

Claims 1-4 and 8-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,426,424 ("Vanden Heuvel"). Applicants respectfully traverse the rejection as set forth below.

Claims 1-4

Claim 1 recites, in part, "the processor having a memory ... and an array configured to control the sequence of memory fragments from which data is read".

In support of the anticipation rejection, the Office Action alleges that

(1) the processor as set forth in claim 1 is processor 106 of FIG. 1 of Vanden Heuvel; and

(2) the memory as set forth in claim 1 is the memory allegedly illustrated in FIG. 5 of Vanden Heuvel.

However, Applicants respectfully draw the attention of the Examiner to the fact that Vanden Heuvel does not describe either the root array register 501, the control register 503, the memory data are 504 or the free list 505 as part of the processor 106 of FIG. 1 of Vanden Heuvel. Furthermore,

U.S Application No. 09/788,061
Amendment dated June 30, 2006
In Response to Office Action of January 30, 2006

Applicants respectfully draw the attention of the Examiner to the fact that the only memory identified in FIG. 1 of Vanden Heuvel is nonvolatile memory 114, which is also not part of processor 106.

Accordingly, Vanden Heuvel does not describe a processor having a memory and an array as set forth in claim 1.

For at least the above reasons, an anticipation rejection based on Vanden Heuvel cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 1 and its rejected dependent claims (i.e., claims 2-4).

Claim 2: Additional Arguments

Claim 2 depends from claim 1. Accordingly, the reasons set forth above traversing the anticipation rejection with respect to claim 1 are also made with respect to claim 2. However, the elements set forth in claim 2, but not set forth in claim 1, are also not anticipated by Vanden Heuvel.

Claim 2 recites, in part, "wherein the processor further comprises a second array configured to indicate a status of each of the memory fragments".

In support of the anticipation rejection, the Office Action alleges that the second array as set forth in claim 1 is control register 503 of FIG. 5 of Vanden Heuvel.

However, Applicants respectfully draw the attention of the Examiner to the fact that Vanden Heuvel does not describe that control register 503 of FIG. 5 is part of the processor 106 of FIG. 1 of Vanden Heuvel. Furthermore, Vanden Heuvel does not describe the control register 503 of FIG. 5 as being configured to indicate a status of each of the memory fragments as set forth in claim 2.

Accordingly, Vanden Heuvel does not describe a processor that further comprises a second array configured to indicate a status of each of the memory fragments as set forth in claim 2. For at least the above reasons, an anticipation rejection based on Vanden Heuvel cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be

U.S. Application No. 09/788,061
Amendment dated June 30, 2006
In Response to Office Action of January 30, 2006

withdrawn with respect to claim 2.

Claim 3: Additional Arguments

Claim 3 depends from claim 2 which, in turn, depends from claim 1. Accordingly, the reasons set forth above traversing the anticipation rejection with respect to claims 1 and 2 are also made with respect to claim 3. However, the elements set forth in claim 3, but not set forth in claims 1 and 2, are also not anticipated by Vanden Heuvel.

Claim 3 recites, in part, "wherein the status indicated by the second array for each of the memory fragments comprises a bit to indicate whether its respective memory fragment is empty".

In support of the anticipation rejection, the Office Action alleges that at least these elements are described in Vanden Heuvel at col. 4, lines 40-46. Applicants respectfully disagree. Col. 4, lines 40-46 does not describe status indicated by a second array (alleged to be control register 503) comprising a bit to indicate whether its respective memory fragment is empty. In fact, Vanden Heuvel does not describe the previously alleged control register 503 at all. And, even if it did, for the sake of argument only, the level of detail as set forth in claim 3 is not described in Vanden Heuvel at col. 4, lines 40-46. Accordingly, the anticipation rejection cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 3.

Claim 4: Additional Arguments

Claim 4 depends from claim 1. Accordingly, the reasons set forth above traversing the anticipation rejection with respect to claim 1 are also made with respect to claim 4. However, the elements set forth in claim 4, but not set forth in claim 1, are also not anticipated by Vanden Heuvel.

Claim 4 recites, in part, "wherein the processor further comprises a read pointer configured to indicate the memory fragment from which the data is being read".

U.S Application No. 09/788,061
Amendment dated June 30, 2006
In Response to Office Action of January 30, 2006

In support of the anticipation rejection, the Office Action alleges that the processor comprising the read pointer as set forth in claim 1 is read pointer 804 of FIG. 8 of Vanden Heuvel.

However, Applicants respectfully draw the attention of the Examiner to the fact that Vanden Heuvel does not describe that the read pointers alluded to in FIG. 8 are part of the processor 106 of FIG. 1 of Vanden Heuvel.

Accordingly, Vanden Heuvel does not describe a processor that further comprises a read pointer configured to indicate a memory fragment from which data is being read as set forth in claim 4. For at least the above reasons, an anticipation rejection based on Vanden Heuvel cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 4.

Claims 8-11

The same or similar arguments made with respect to claim 1-4 are made, if appropriate, with respect to claims 8-11.

For at least the above reasons, an anticipation rejection based on Vanden Heuvel cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 8 and its rejected dependent claims (i.e., claims 8-11).

Claims 5-7 and 12-14

In view of the above arguments and in light of the teaching deficiencies of Vanden Heuvel, it is respectfully requested that the obviousness rejection based, in part, on Vanden Heuvel be withdrawn with respect to claims 5-7 and 12-14.

U.S. Application No. 09/788,061
Amendment dated June 30, 2006
In Response to Office Action of January 30, 2006

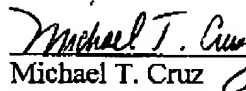
Conclusion

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-14 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: June 30, 2006

Respectfully submitted,


Michael T. Cruz
Reg. No. 44,636

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Telephone: (312) 775-8084
Facsimile: (312) 775-8100